

REMARKS

Claims 1-11 have been canceled without prejudice, and replaced by new claims 12-19, which are currently pending.

The rejections of claims 2-5 and 7-10 are rendered moot by the cancellation of these claims.

Applicant respectfully submits that new independent claims 12 and 18 are allowable over USP 2,946,474 to Knapp ("Knapp"), USP 6,010,024 to Wang ("Wang") and USP 6,364,147 to Meinzinger et al. ("Meinzinger").

Claims 12 and 18 recite, among other limitations, that the liner 24 is positioned in a first position with the support block 44 located side-by-side with the side wall of the container body of the liner 24 (see FIG. 4), and in a second raised position with the support block 44 located below the bottom 58 of the container body of the liner 24 (see FIG. 5).

In contrast, Meinzinger does not disclose any support block.

In addition, the projection 913 in Wang is always positioned below the bottom of the inner trash can 7, and as best shown in FIG. 2, it is impossible for the inner trash can 7 to ever assume a position where the projection 913 is located side-by-side with the side wall of the inner trash can 7 because the projection 913 is located at the center thereof.

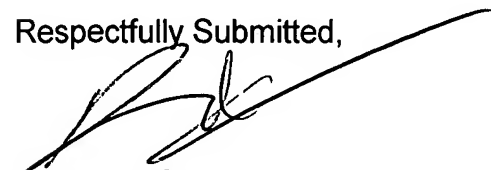
Moreover, the hump 54 in Knapp is always positioned below the bottom of the inner container 38, and as best shown in FIGS. 1 and 2, it is impossible for the inner container 38 to ever assume a position where the hump 54 is located side-by-side with the side wall of the inner container 38 because the hump 54 is located at the center thereof.

Applicant also submits that it would not be obvious to modify either Wang or Knapp to provide the projection 913 or hump 54 at different locations because there is absolutely no teaching or suggestion in either prior art reference to do so. In addition, neither reference teaches or remotely suggests positioning a liner in a position with the support block located side-by-side with the side wall of the liner. Thus, any attempt to modify either Knapp or Wang would be based on impermissible hindsight reconstruction.

* * *

Thus, all pending claims are submitted to be in condition for allowance. However, if the Examiner believes that the claims are not ready to be allowed, the Examiner is encouraged to telephone the undersigned with any suggestions or proposed amendments that might place the application in condition for allowance.

Respectfully Submitted,



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Dated: March 3, 2005

CERTIFICATE OF MAILING

I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: March 3, 2005

By:


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